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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MILLER, BRANDON J	
ART UNIT	**PAPER NUMBER**
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/559,919	DERRYBERRY ET AL.	
	Examiner	Art Unit	
	Brandon J. Miller	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22,31-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *23-30* is/are allowed.

6)☒ Claim(s) *1-22 and 31-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/7/2005* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Allowable Subject Matter

Claim 23 contains allowable subject matter because the prior art does not teach or fairly suggest at least four reverse supplemental channel (R-SCH) states and at least eight transitions between the R-SCH states, where the at least four R-SCH states comprise a R-SCH initialization state, a R-SCH autonomous state, a R-SCH scheduled state, and a R-SCH release state.

Claims 24-30 are allowable based upon their dependence of independent claim 23.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 34 is rejected under 35 U.S.C. 102(b) as being anticipated by Kadaba et al. (US 2002/0172217 A1).

Regarding claim 34 Kadaba teaches a mobile station comprising a transceiver for receiving and transmitting signals; a signal processor coupled to the transceiver, a controller coupled to the signal processor, the controller receiving information from the signal processor derived from the signal processor and providing information to the signal processor to be converted for transmission through the transceiver (see paragraph [0051] and FIG. 6). Kadaba

teaches wherein the mobile station comprises an autonomous mode and a scheduled mode, wherein in the autonomous mode, the mobile station is configured to select a data transmission rate for transmission to the base station [0024] & [0025]). Kadaba teaches wherein, in the scheduled mode, the mobile station is configured to transmit a request to the base station for granting a data transmission rate to the mobile station (see paragraph [0027]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 10-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba et al. (US 2002/0172217 A1) in view of Koo et al. (US 2003/0039267 A1).

Regarding claim 1 Kadaba teaches a method for operating a mobile station with a base station, comprising: when the mobile station is in an Autonomous mode of operation, autonomously transmitting data from the mobile station to the base station on a reverse access channel or reverse supplemental channel (see abstract and paragraphs [0024] & [0025]). Kadaba teaches in response to receiving an acknowledgement indication from the base station, that comprises a reverse channel assignment message for the mobile station, switching the mobile station to a Scheduled mode of operation; and transmitting data from the mobile station on an assigned reverse channel (see paragraphs [0027] & [0062]). Kadaba does not specifically teach while in the Scheduled mode, the mobile station provides the data transmission power and the selected data transmission buffer status as a request. Koo teaches

the mobile station providing the data transmission power and the selected data transmission buffer status as a request (see paragraphs [0063] & [0064]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include while in the Scheduled mode, the mobile station provides the data transmission power and the selected data transmission buffer status as a request because both references teach a multi mode data communication system using a forward and/or reverse link control channel structure and the combination would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Regarding claim 2 Kadaba teaches transmitting from the mobile station to the base station to initiate the data transmission comprises transmitting a Supplemental Channel Request Message (see paragraph [0024]).

Regarding claim 3 Kadaba teaches a reverse access channel that comprises one of a Reverse Enhanced Access Channel and a reverse fundamental channel or a reverse dedicated channel (see paragraph [0026]).

Regarding claim 4 Kadaba teaches an acknowledgement indication that comprises a Supplemental Channel Assignment Message (see paragraph [0024]).

Regarding claim 10 Kadaba teaches a mobile station, comprising: an RF transceiver for conducting bidirectional wireless communications with a base station; and a data processor operating under the control of a stored program for, when the mobile station is in an Autonomous mode of operation, autonomously transmitting from the mobile station to the base station on one of a reverse channel (see paragraphs [0024] & [0025]). Kadaba teaches a data processor being responsive to a reception of an acknowledgement indication from the base

station, that comprises a reverse channel assignment message for the mobile station, for switching the mobile station to a Scheduled mode of operation and for transmitting data from the mobile station on an assigned reverse channel (see paragraphs [0027] & [0062]). Kadaba does not specifically teach while in the Scheduled mode, the mobile station provides the data transmission power and the selected data transmission buffer status as a request. Koo teaches the mobile station providing the data transmission power and the selected data transmission buffer status as a request (see paragraphs [0063] & [0064]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include while in the Scheduled mode, the mobile station provides the data transmission power and the selected data transmission buffer status as a request because both references teach a multi mode data communication system using a forward and/or reverse link control channel structure and the combination would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Regarding claim 11 Kadaba and Koo teach a device as recited in claim 2 and is rejected based on the same reasoning as above.

Regarding claim 12 Kadaba and Koo teach a device as recited in claim 3 is rejected based on the same reasoning as above.

Regarding claim 13 Kadaba and Koo teach a device as recited in claim 4 and is rejected based on the same reasoning as above.

Regarding claim 19 Kadaba teaches a mobile station and base station that communicate over a reverse synchronous code division, multiple access channel (see paragraphs [0009] & paragraph [0089]).

Claims 5-9, 14-18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba et al. (US 2002/0172217 A1) in view of Koo et al. (US 2003/0039267 A1) and Bae et al. (US 2003/0125037 A1).

Regarding claim 5 Kadaba and Koo teach a device as recited in claim 4 except for where the acknowledgement indication further comprises power control bits and data rate grant bits. Bae teaches an indication comprising power control bits and data rate grant bits (see paragraph [0037] and Table 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include where the acknowledgement indication further comprises power control bits and data rate grant bits because this would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Regarding claim 6 Bae teaches receiving the power control bits and data rate grant bits by the mobile station on a common power control channel (see paragraphs [0033] & [0034]).

Regarding claim 7 Kadaba and Koo teach a device as recited in claim 1 except for transmitting mobile station buffer activity bits and a data rate request bit, and further comprising receiving, from the base station, a power control bit, a data rate grant bit and an acknowledgment/non-acknowledgement indication. Kadaba does teach an acknowledgment/non-acknowledgement indication (see paragraph [0033]). Bae teaches transmitting mobile station buffer activity bits and a data rate request bit, and further comprising receiving, from the base station, a power control bit, a data rate grant bit (see paragraphs [0033] – [0034] and [0037] & Table 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include

transmitting mobile station buffer activity bits and a data rate request bit, and further comprising receiving, from the base station, a power control bit, a data rate grant bit and an acknowledgment/non-acknowledgement indication because this would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Regarding claim 8 Koo teaches where the data rate request bit is transmitted as part of a dynamic buffer status report, and requests one of an increase in data rate, a decrease in data rate, or no change in the data rate (see paragraph [0063]).

Regarding claim 9 Kadaba, Koo, and Bae teach a device as recited in claim 8 except for where the data rate grant bit is time multiplexed by the base station with the power control bit, and indicates one of a grant of the requested data rate or a denial of the requested data rate. Kadaba does teach where the data rate is time multiplexed by the base station with measured signal, and indicates one of a grant of the requested data rate or a denial of the requested data rate (see paragraphs [0007] & [0035]). Bae teaches receiving the power control bits and data rate grant bits by the mobile station on a common power control channel (see paragraphs [0033] & [0034]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include where the data rate grant bit is time multiplexed by the base station with the power control bit, and indicates one of a grant of the requested data rate or a denial of the requested data rate because this would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Regarding claim 14 Kabada, Koo, and Bae teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 15 Kabada, Koo, and Bae teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 16 Kabada, Koo, and Bae teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 17 Kabada, Koo, and Bae teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 18 Kabada, Koo, and Bae teach a device as recited in claim 9 and is rejected given the same reasoning as above.

Regarding claim 20 Kadaba teaches a method for operating a mobile station with a base station for transmitting data packets from the mobile station to the base station over a reverse supplemental channel (see paragraphs [0026] & [0033]). Kadaba teaches when the mobile station is in an Autonomous mode of operation, autonomously transmitting data from the mobile station to the base station initiate a data transmission from the mobile station to the base station (see abstract and paragraphs [0024] & [0025]). Kadaba teaches supplemental channel request message that is transmitted over a reverse enhanced access channel or a reverse supplemental channel (see paragraph [0026]). Kadaba teaches in response to receiving an acknowledgement indication from the base station switching the mobile station to a Scheduled mode of operation; and transmitting data packets from the mobile station on an assigned reverse channel (see paragraphs [0027] & [0062]). Kadaba does not specifically teach receiving an acknowledgment indication from the base station over a common power control channel, the acknowledgement indication comprising power control bits and data rate grant bits, transmitting mobile station buffer activity bits and a data rate request bit and receiving from the base station a power control

bit, a data rate grant bit and an acknowledgement/non-acknowledgement indication. Kadaba does teach an acknowledgment/non-acknowledgement indication (see paragraph [0033]). Koo teaches where the data rate request bit is transmitted as part of a dynamic buffer status report, and requests one of an increase in data rate, a decrease in data rate, or no change in the data rate (see paragraph [0063]). Bae teaches receiving the power control bits and data rate grant bits by the mobile station on a common power control channel (see paragraphs [0033] & [0034]). Bae teaches transmitting mobile station buffer activity bits and a data rate request bit, and further comprising receiving, from the base station, a power control bit, a data rate grant bit (see paragraphs [0033] – [0034] and [0037] & Table 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving an acknowledgment indication from the base station over a common power control channel, the acknowledgement indication comprising a Supplemental Channel Assignment Message comprising power control bits and data rate grant bits, transmitting mobile station buffer activity bits and a data rate request bit and receiving from the base station a power control bit, a data rate grant bit and an acknowledgement/non-acknowledgement indication because both references teach a multi mode data communication system using a forward and/or reverse link control channel structure and the combination would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Regarding claim 21 Kadaba and Bae teach a device as recited in claim 20 except for where the data rate grant bit is transmitted as part of a dynamic buffer status, QoS level and transmit power report, and requests one of an increase in data rate, a decrease in data rate, or no change in data rate. Kadaba does teach the data is transmitted as part of a QoS level and requests

one of an increase in data rate, a decrease in data rate, or no change in data rate (see paragraph [0007]). Koo does teach where the data rate request bit is transmitted as part of a dynamic buffer status report, and requests one of an increase in data rate, a decrease in data rate, or no change in the data rate (see paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include where the data rate grant bit is transmitted as part of a dynamic buffer status, QoS level and transmit power report, and requests one of an increase in data rate, a decrease in data rate, or no change in data rate because the references teach a multi mode data communication system using a forward and/or reverse link control channel structure and the combination would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Regarding claim 22 Kabada, Koo, and Bae teach a device as recited in claim 9 and is rejected given the same reasoning as above.

Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba et al. (US 2002/0172217 A1) in view of Bae et al. (US 2003/0125037 A1).

Regarding claim 31 Kadaba teaches a method for operating a mobile station with a base station, comprising: when the mobile station is in an Autonomous mode of operation, autonomously transmitting data from the mobile station to the base station on a reverse channel (see pgs. 2, paragraphs [0024] and [0025]). Kadaba teaches in response to receiving an acknowledgement indication from the base station switching the mobile station to a Scheduled mode of operation; and transmitting data from the mobile station on an assigned reverse channel (see pg. 3, paragraph [0027] and pg. 6, paragraphs [0062]). Kadaba does not specifically teach the mobile station receiving an assignment message from the base station, the assignment

message comprising an acknowledgment/non-acknowledgment indication, power control bits, data rate grant bits, and a reverse supplemental channel (R-SCH), wherein there exists at least four R-SCH states and a plurality of transitions between the R-SCH states. Kadaba does teach an acknowledgment/non-acknowledgement indication (see paragraph [0033]). Bae teaches an indication comprising power control bits and data rate grant bits (see paragraph [0037] and Table 1). Bae teaches a reverse supplemental channel (R-SCH), wherein there exist at least four R-SCH states and a plurality of transitions between the R-SCH states (see paragraphs [0036], [0059], [0096], active state, scheduling state, release state, and dormant state relate to at least four R-SCH states). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include the mobile station receiving an assignment message from the base station, the assignment message comprising an acknowledgment/non-acknowledgment indication, power control bits, data rate grant bits, and a reverse supplemental channel (R-SCH), wherein there exists at least four R-SCH states and a plurality of transitions between the R-SCH states because both references teach a multi mode data communication system using a forward and/or reverse link control channel structure and the combination would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Regarding claim 32 Kadaba teaches a mobile station, comprising: an RF transceiver for conducting bidirectional wireless communications with a base station; and a data processor operating under the control of a stored program for, when the mobile station is in an Autonomous mode of operation, autonomously transmitting from the mobile station to the base station on one of a reverse channel (see pgs. 1 & 2, paragraphs [0024] and [0025]). Kadaba

teaches a data processor being responsive to a reception of an acknowledgement indication from the base station for switching the mobile station to a Scheduled mode of operation and for transmitting data from the mobile station on an assigned reverse channel (see pg. 3, paragraph [0027] and pg. 6, paragraphs [0062]). Kadaba does not specifically teach an assignment message comprising an acknowledgement/non-acknowledgment indication, power control bits, data rate grant bits, and a reverse supplemental channel (R-SCH), wherein there exist at least four R-SCH states and a plurality of transitions between the R-SCH states. Kadaba does teach an acknowledgment/non-acknowledgement indication (see paragraph [0033]). Bae teaches an indication comprising power control bits and data rate grant bits (see paragraph [0037] and Table 1). Bae teaches a reverse supplemental channel (R-SCH), wherein there exist at least four R-SCH states and a plurality of transitions between the R-SCH states (see paragraphs [0036], [0059], [0096], active state, scheduling state, release state, and dormant state relate to at least four R-SCH states). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include an assignment message comprising an acknowledgement/non-acknowledgment indication, power control bits, data rate grant bits, and a reverse supplemental channel (R-SCH), wherein there exist at least four R-SCH states and a plurality of transitions between the R-SCH states because both references teach a multi mode data communication system using a forward and/or reverse link control channel structure and the combination would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Regarding claim 33 Kadaba teaches a method for operating a mobile station with a base station for transmitting data packets from the mobile station to the base station over a reverse

supplemental channel (see paragraphs [0026] & [0033]). Kadaba teaches when the mobile station is in an Autonomous mode of operation, autonomously transmitting data from the mobile station to the base station initiate a data transmission from the mobile station to the base station (see abstract and paragraphs [0024] & [0025]). Kadaba teaches supplemental channel request message that is transmitted over a reverse enhanced access channel or a reverse supplemental channel (see paragraph [0026]). Kadaba teaches in response to receiving an acknowledgement indication from the base station switching the mobile station to a Scheduled mode of operation; and transmitting data packets from the mobile station on an assigned reverse channel (see paragraphs [0027] & [0062]). Kadaba does not specifically teach transmitting mobile station buffer activity bits and a data rate request bit and receiving from the base station a power control bit, data rate grant bit, and a reverse supplemental channel (R-SCH), wherein there exist at least four R-SCH states and a plurality of transitions between the R-SCH states. Kadaba does teach an acknowledgment/non-acknowledgement indication (see paragraph [0033]). Bae teaches buffer activity bits and a data rate request bit and receiving from the base station a power control bit, data rate grant bit (see paragraph [0037] and Table 1). Bae teaches a reverse supplemental channel (R-SCH), wherein there exist at least four R-SCH states and a plurality of transitions between the R-SCH states (see paragraphs [0036], [0059], [0096], active state, scheduling state, release state, and dormant state relate to at least four R-SCH states). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include transmitting mobile station buffer activity bits and a data rate request bit and receiving from the base station a power control bit, data rate grant bit, and a reverse supplemental channel (R-SCH), wherein there exist at least four R-SCH states and a plurality of transitions between the

R-SCH states because both references teach a multi mode data communication system using a forward and/or reverse link control channel structure and the combination would allow for a flexible method to schedule wireless unit transmissions and/or allow the wireless unit to transmit autonomously.

Response to Arguments

Applicant's arguments with respect to claims 1-22 and 31-34 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al. Pub. No.: US 2006/0023629 A1 discloses a method and apparatus for performing autonomous transmission in a mobile communication system for supporting an enhanced uplink dedicated channel.

Wiberg et al. Pub. No.: US 2005/0239413 A1 discloses load control in shared medium many-to-one communication systems.

Laroia et al. Pub. No.: US 2006/0083161 A1 discloses methods and apparatus for determining, communicating and user information which can be used for interference control purposes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 12, 2006

GEORGE ENG
SUPERVISORY PATENT EXAMINER